
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**R.S.A. No. 2764 of 2005
Date of decision: 10.9.2007**

Kanwarjit Singh

.....Appellant

Versus

Rajpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.S.Budhwar, Advocate for the appellant.

RAJESH BINDAL, J.

This is plaintiff's second appeal against the concurrent findings of fact by both the Courts below whereby suit filed by him for permanent injunction was dismissed.

The claim made in the suit was that he had purchased the property in question vide agreement to sell dated December 2, 1988 and is in possession thereof ever since then. However, during the course of evidence, he had not been able to prove the claim made by him. There is no reason as to why the sale deed was not executed, once the agreement to sell is pleaded, which was entered into almost 9 years before the date of filing of the suit. Moreso, even the vendor in the so called agreement to sell was also not examined as a witness by the appellant/plaintiff. There was no other convincing evidence on record, which could enable the Courts below to take a view in favour of the appellant/plaintiff. As against this respondents/defendants had pleaded that by virtue of the sale deed executed by Tehsildar (Sales), Kaithal in their favour, they are owners in possession of the suit property. They had also relied upon the judgment and decree of the Civil Court in other litigation between the parties whereby the suit filed by the respondents/defendants against the appellant/plaintiff for permanent injunction restraining him from interfering in the possession of the land in dispute was decreed.

With these facts on record which have been concurrently found

by both the Courts below, I do not find any merit in the present appeal as no other evidence or material has been pointed out, which could lead this court to take a view that the findings recorded by the Courts below are perverse.

Accordingly, the appeal is dismissed in limine.

September 10, 2007
Pka

(Rajesh Bindal)
Judge